

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 13-cv-00292-REB-MJW

TYRON DUANTE SMALL,

Plaintiff,

v.

CANDANCE CROSLEY, Sgt.,
KEVIN CRUTCHER, Sgt., and
KYLE ROBERTS, Lt.,

Defendants.

**ORDER ADOPTING RECOMMENDATION OF THE
UNITED STATES MAGISTRATE JUDGE**

Blackburn, J.

The matters before me are: (1) the plaintiff's filing captioned as **Seeking An Emergency Injunction [sic] Motion [#109]**¹ filed August 20, 2014; and (2) the **Recommendation on Plaintiff's "Seeking an Emergency Injunction [sic] Motion" (Docket No. 109) [#111]** filed August 21, 2014. No objection to the recommendation has been filed. Therefore, I review it for plain error only. *See Morales-Fernandez v. Immigration & Naturalization Service*, 418 F.3d 1116, 1122 (10th Cir. 2005).²

¹ "[#109]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

² This standard pertains even though plaintiff is proceeding *pro se* in this matter. *Morales-Fernandez*, 418 F.3d at 1122. In addition, because plaintiff is proceeding *pro se*, I have construed his pleadings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. *See Erickson v. Pardus*, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200, 167 L.Ed.2d 1081 (2007); *Andrews v. Heaton*, 483 F.3d 1070, 1076 (10th Cir. 2007); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing *Haines v. Kerner*, 404 U.S. 519, 520-21, 92 S.Ct. 594, 595-96, 30 L.Ed.2d 652 (1972)).

At the time the recommendation was filed, Mr. Small was acting *pro se*. Therefore, I construe his filings generously and with the judicial munificence due *pro se* litigants. See ***Erickson v. Pardus***, 551 U.S. 89, 94, 127 S. Ct. 2197, 2200 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Belmon***, 935 F.2d 1106, 1110 (10th Cir. 1991) (citing ***Haines v. Kerner***, 404 U.S. 519, 520-21 (1972)).

I perceive no error, much less plain error, in the magistrate judge's recommendation. As detailed by the magistrate judge, the plaintiff fails to show in his motion that he can meet the heavy burden of proof necessary to obtain injunctive relief. Thus, I find and conclude that the magistrate judge's recommendation should be approved and adopted.

THEREFORE, IT IS ORDERED as follows:

1. That the **Recommendation on Plaintiff's "Seeking an Emergency Injunction [*sic*] Motion" (Docket No. 109) [#111]** filed August 21, 2014, is **APPROVED AND ADOPTED** as an order of this court; and
2. That the plaintiff's filing captioned as **Seeking An Emergency Injunction [*sic*] Motion [#109]** filed August 20, 2014, is **DENIED**.

Dated February 27, 2015, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge